



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner  
January 26, 2006

The Honorable David P. Carrier, Chairman  
Resources, Recreation, and Development Committee  
Room 305, LOB  
Concord, NH 03301

**RE: House Bill 1541, Relative to requiring applicants for large groundwater withdrawal permits to comply with local ordinances**

Dear Representative Carrier:

Thank you for the opportunity to comment on HB 1541 which would require applicants for large groundwater withdrawal permits to provide evidence of compliance with applicable local ordinances prior to the New Hampshire Department of Environmental Services (DES) issuing a large groundwater withdrawal permit. DES offers the following comments on HB 1541.

HB 1541 requires "evidence of compliance with all applicable local ordinances before the department may issue a permit." We are concerned that the test for "evidence of compliance" is ambiguous. For example, in the extremes, does this mean a simple statement to this effect by the applicant that compliance has been attained by, for example, the filing of municipal applications, or is this intended to be proof that all local approvals and permits have been received by submission of copies of permits? Since either interpretation is possible, this requires clarification.

Also, some municipalities require proof that state permits have been obtained prior to issuance of local approvals. So, upon passage of HB 1541, it is possible to have a situation where the requirements of HB 1541 and municipal requirements are in direct conflict thus deadlocking a project. It is recommended that language be considered to establish which controls if these conflicts arise.

It is clear in the proposed language that the Department cannot issue permits. It would be helpful to clarify whether the Department can accept and review applications.

Thank you again for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Sarah Pillsbury at 271-1168 or me at 271-3449.

Sincerely,

  
Michael P. Nolin  
Commissioner

cc: Representative Cilley  
Representative Keans  
Representative Cataldo  
Representative Spang  
Senator Estabrook  
Senator Hassan  
Harry T. Stewart, DES Water Division Director  
Sarah Pillsbury, DES